



# The EU Mutual Learning Programme in Gender Equality

## Combatting trafficking in women and girls for the purpose of sexual exploitation

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### Comments Paper - Cyprus



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# Combating trafficking in women and girls for the purpose of sexual exploitation

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## 1. Introduction

The purpose of this paper is to present the context of human trafficking of women and girls for sexual exploitation in the controlled areas by the Republic of Cyprus,<sup>1</sup> while discussing new policy debates, to refer to good practices of Spain that can be transferred to Cyprus and to make relevant conclusions and recommendations that can be applied on a national and European level to fight human trafficking.

## 2. Human Trafficking in Cyprus

Cyprus is a destination country for trafficked persons. The majority of victims are for sham marriages.<sup>2</sup> However trafficking for sexual and labour exploitation is still significant considering that trafficking is a hidden and under-reported crime. According to the latest data, victims of trafficking are nationals of Romania, Bulgaria, Cameroon, Latvia, Ukraine, Czech Republic, Vietnam, Syria, Tongo, Georgia, India, Egypt and one Turkish Cypriot. The Police identified 44 victims of trafficking in 2016.<sup>3</sup> Of those, there were 39 women, 4 men and 1 child. 16 victims were trafficked for sexual exploitation, 4 for labour exploitation, 22 for sham marriages and 2 for transferring duty free tobacco. According to the US Trafficking in Persons Report (2018), the Government of the Republic of Cyprus fully meets the minimum standards for the elimination of trafficking and therefore Cyprus was upgraded to Tier 1.<sup>4</sup>

### 2.1. The Legal Framework of Trafficking in Cyprus

Cyprus' legal framework is in alignment with all main International Conventions and EU Legislation. Cyprus ratified the Council of Europe Convention on Action against Trafficking in Human Beings on 24 October 2007<sup>5</sup> and it is in force since 1st February 2008. The United Nations Convention against Transnational Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women

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<sup>1</sup> More information on human trafficking in the non-controlled by the Republic of Cyprus area on p. 161 of the U.S Department of State, Trafficking in Persons Report (2018), Cyprus, Available at: <https://www.state.gov/documents/organization/282800.pdf>.

<sup>2</sup> Report submitted by the authorities of Cyprus on measures taken to comply with Committee of the Parties Recommendation CP(2015)15 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, p.6, Council of Europe, (2016), Available at: <https://rm.coe.int/16806fd4a3>

<sup>3</sup> Ibid. p. 6 - 7.

<sup>4</sup> U.S Department of State, Trafficking in Persons Report (2018), Ibid. p.159.

<sup>5</sup> Council of Europe Convention on Action against Trafficking in Human Beings ratification status, Available at: [https://www.coe.int/en/web/conventions/full-list/conventions/treaty/197/signatures?p\\_auth=pNIUASff](https://www.coe.int/en/web/conventions/full-list/conventions/treaty/197/signatures?p_auth=pNIUASff)

and Children, were both ratified by Cyprus on 22 April 2003<sup>6</sup> and 6 August 2003,<sup>7</sup> respectively. Further to the above, Cyprus transposed all relevant EU Directives from time to time, such as Framework Decisions of the European Council 2002/629 and Directives 2004/81/EC, 2009/52/EC and 2011/36/EU.

Under the provisions of the Prevention and Combatting of Trafficking and Exploitation of Persons and the Protection of Victims Law of 2014, L. 60(I)/2014<sup>8</sup> all forms of human trafficking are criminalised. The above law replaces the Trafficking Law of 2007, L. 87(I)/2007,<sup>9</sup> and introduces severe sentences for the perpetrators. It also provides for the penalisation of the use of services, targeting the reduction of demand, but only if there is reasonable suspicion that the service is provided by a victim. According to L. 60(I)/2014, sexual exploitation of adults is punished with up to 10 years' imprisonment, sexual exploitation of children with up to 20 years, confiscation of personal documents with 5 years and/or a fine of €17000.<sup>10</sup>

## 2.2. Cyprus Policy against Trafficking

### 2.2.1. Coordination of anti-trafficking actions at a national level

The National Co-ordinator (Minister of Interior), as well as the Multidisciplinary Co-ordinating Group, which was first established in 2007, coordinate anti-trafficking policies. The Group, chaired by the National Co-ordinator, is responsible for taking measures to combat human trafficking and protect its victims. The Group meets on a regular basis every three months or at least three times a year.<sup>11</sup> The main responsibilities of the Multidisciplinary Co-ordinating Group are:

- Review or amend the National Action Plan;
- Co-operate with countries of origin, transit or other destination countries of victims, providing protection to victims and developing mechanisms for combating the offences described in the Law;
- Monitor and analyse international developments and Law on human trafficking;
- Draft an annual report on the implementation of the Law, and the situation domestically and internationally in the field of human trafficking. This report is approved by the Council of Ministers and is then submitted to the House of Representatives for information purposes.<sup>12</sup>

<sup>6</sup> United Nations Convention against Transnational Crime ratification status, Available at: [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en)

<sup>7</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ratification status, Available at: [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en)

<sup>8</sup> The Prevention and Combatting of Trafficking and Exploitation of Persons and the Protection of Victims Law of 2014, L. 60(I)/2014, Available in Greek at: [http://www.cylaw.org/nomoi/enop/non-ind/2014\\_1\\_60/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2014_1_60/full.html)

<sup>9</sup> The Law on Prevention and Combatting Trafficking and Exploitation of Persons and Protection of Victims of 2014, L. 60(I)/2014, Of. Gaz. Part I(I), No. 4414, 15.4.2014, Available in Greek at: [http://www.cylaw.org/nomoi/enop/non-ind/2014\\_1\\_60/index.html](http://www.cylaw.org/nomoi/enop/non-ind/2014_1_60/index.html)

<sup>10</sup> Ibid.

<sup>11</sup> European Commission website on Trafficking in Human Beings in Cyprus, [https://ec.europa.eu/anti-trafficking/content/nip/cyprus\\_en](https://ec.europa.eu/anti-trafficking/content/nip/cyprus_en)

<sup>12</sup> Ibid.

### 2.2.2. National Strategy/National Action Plan

The 1<sup>st</sup> National Action Plan (NAP) for the Coordination of Actions to combat Trafficking in Human Beings in Cyprus was developed in 2001, followed by the 2<sup>nd</sup> NAP (2010-2012) and the 3<sup>rd</sup> NAP 2013-2015.<sup>13</sup> Presently, the 4<sup>th</sup> NAP 2016-2018 is implemented and provides for specific targets and practical measures, under the following nine thematic areas: coordination; prevention; identification and recognition of victims; protection and support of victims; suppression and prosecution; data collection; training; international cooperation; and evaluation.<sup>14</sup>

The priorities of NAP 2016-2018 are the following:

- Amending the current legislation
- Supporting victims by focusing on safe housing (GRETA Recommendation)<sup>15</sup>
- Training of government staff and judges
- Promoting the development of cooperation protocols between NGOs and Government Agencies.

Of the abovementioned priorities, only the last one falls under the scope of multi-agency coordination. Nevertheless, specific actions for prevention have been incorporated in the NAP, including trainings addressing members of the police, the Social Welfare Services, judges and prosecutors. The training programmes include modules on current laws and regulations, intelligence gathering and operations, victim identification, interview techniques, victims' support and protection.<sup>16</sup> Leaflets have been produced and disseminated and, in November- December 2013, a nationwide awareness raising radio campaign took place.<sup>17</sup>

Concerning multi-agency cooperation, it is worth mentioning that from 2012 to 2014, Cyprus participated in the project "Towards a Pan European Monitoring System", which was co-funded by the EU, in collaboration with Portugal, Bulgaria and Austria, aiming to create an online platform that will help users monitor and collect data regarding victims of trafficking.<sup>18</sup> Adding to the above, the Cyprus Police cooperates with other EU Member States, and with third countries, on exchanging information and criminal intelligence and several bilateral agreements have been reached.<sup>19</sup>

<sup>13</sup> Ibid.

<sup>14</sup> National Action Plan on Combatting Human Trafficking 2016-2018, Multidisciplinary Coordinating Group, (2017) Cyprus Press and Information Office, Available at:

<http://www.moi.gov.cy/moi/moi.nsf/All/36EC23973735625AC2257AA700211CF1?OpenDocument>

<sup>15</sup> Recommendation CP(2015)15 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus, Committee of the Parties (2015), Available: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631b92>

<sup>16</sup> Report submitted by the authorities of Cyprus on measures taken to comply with Committee of the Parties Recommendation CP(2015)15 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe, (2016), Available at: <https://rm.coe.int/16806fd4a3>

<sup>17</sup> Ibid. Ft. 11.

<sup>18</sup> European Commission website on the project "Towards a Pan European Monitoring System", Available at: [https://ec.europa.eu/anti-trafficking/eu-projects/towards-pan-european-monitoring-system-trafficking-human-beings\\_en](https://ec.europa.eu/anti-trafficking/eu-projects/towards-pan-european-monitoring-system-trafficking-human-beings_en)

<sup>19</sup> Ibid.

### 3. Current debates in Cyprus

Two main debates concerning human trafficking of women and girls in Cyprus were identified. The first one relates to the proposal to amend Law 60(I)/2014 with a purpose of making the criminalisation of clients asking and/or receiving and/or using services of victims possible. According to the publicly available data, the justification for the proposal is that clients are currently protected by Law 60(I)/2014, as it provides for a “reasonable suspicion”, making it difficult to prove a case against them at court. This debate, currently happening at the House of Parliament is directly associated to the prevention of human trafficking, through making punishment for clients an available option to reduce demand.<sup>20</sup>

The second debate relates to a proposal to enact a new law transposing the Council of Europe Convention on preventing and combating violence against women and domestic violence, which was ratified by Cyprus on 10 November 2017.<sup>21</sup> The new law, if enacted, will provide a new level of protection for women and girls, by establishing a framework to combat gendered violence. The proposal includes new offences and making punishment more severe for current crimes when happening against women and girls, including human trafficking for sexual exploitation. The proposal also includes provisions for taking immediate action to protect victims of gendered violence as well as promoting international cooperation.

Further to the above, it is worth mentioning a current debate happening through social media concerning a recent human trafficking case where the Police arrested three Police officers in connection with human trafficking and sexual exploitation following allegations that they received bribes to turn a blind eye while serving at passport control at the airport and let through women who were later employed at a bar in Nicosia.<sup>22</sup> The case is still under investigation but it instigated a public debate concerning the adequacy of the implementation of anti-trafficking policies in Cyprus.

### 4. Good practice examples in Cyprus

As mentioned above in Section 2, Cyprus is currently implementing NAP 2016-2018. The main actions were mentioned above; nevertheless, the following are identified as good practice policies that could be transferred to other EU countries.

#### 4.1. Prevention

A Manual to address human trafficking cases was developed aiming to address the problem of identifying and referring a human trafficking victim.<sup>23</sup> This Manual includes information on the National Reporting Mechanism, the basic principles of

<sup>20</sup> Cyprus House of Parliament, Proposal on amending the Combatting of Human Trafficking, Prevention and Protection Law at the House of Parliament Subcommittee of Human Rights and Equal Opportunities between men and women, Available at: [http://www2.parliament.cy/parliamentgr/008\\_06/02/003.04.21.02.pdf](http://www2.parliament.cy/parliamentgr/008_06/02/003.04.21.02.pdf)

<sup>21</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence ratification status, Available at: [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p\\_auth=IQtF9Dhb](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=IQtF9Dhb)

<sup>22</sup> Cyprus Mail. “Police Officers arrested in people trafficking case” (11.9.2018), Available at: <https://cyprus-mail.com/2018/09/11/police-officers-arrested-in-people-trafficking-case/>

<sup>23</sup> National Reporting Mechanism, “Manual addressing human trafficking cases” (2016), Available at: <http://www.moi.gov.cy/moi/moi.nsf/All/247A80B2847100E3C2257AA900251E96>

combatting human trafficking, how to recognise a victim and the steps to refer them to the Social Services and the Police, victims' rights, the criminal procedure and the right to compensation, the procedure of repatriation and the role of Government Agencies, as well as contact numbers of Government Agencies and NGO's. (GRETA's Recommendations)<sup>24</sup>

Further to that, many awareness campaigns were organised, as well as introducing human trafficking at school curriculums through workshops, seminars at Universities and the army, in order to discourage demand. Apart from awareness campaigns, the National Machinery for Women's Rights (NMWR) supports and subsidises NGOs working in the field of equality between men and women, either through the annual sponsorship, or through grants given to NGOs for carrying out research/studies or other activities related to sexual exploitation and trafficking in women.<sup>25</sup>

## 4.2. Multi Agency Coordination

Regarding multi-agency coordination, the signature of cooperation Protocols between Government Agencies and NGO's was planned. The one between the Police and NGO's was prepared, according to information from Caritas Cyprus. Some steps were also taken towards international cooperation by promoting programmes of voluntary repatriations in cooperation with the International Organisation of Migration, signing of bilateral agreements with transit and destination countries for exchanging good practices and maintaining contact with Diplomats and National Authorities in destination and transit countries.

## 5. Transferability aspects

Looking at the environment and context of Spain, taking into consideration the geographical position, the effects of tourism and the Mediterranean culture of the citizens of Spain, the similarities to Cyprus are evident. Therefore, through studying the Discussion paper presenting Spanish Policies, we observe a lot of similar good practices already implemented in both countries such as including the combatting of gender-based violence in education. The main constrain in Cyprus is the lack of resources and the lack of evaluation of actions, which can be resolved with strong commitment on the part of the Ministry of Interior, as well as all participants in the Multidisciplinary Coordinating Group and by appointing a National Rapporteur.

Further to the above, there are some good practices that Cyprus could benefit from if implemented, to promote prevention with special focus on reducing demand, such as implementing a new video campaign or funding organisations to carry out a documentary to raise awareness of young people.

<sup>24</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus, GRETA, Council of Europe, (2015), Available at: <https://rm.coe.int/greta-2015-20-fgr-cyp-w-cmts-en/168078e556>

<sup>25</sup> Reply from Cyprus to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, Second evaluation round (Reply submitted on 15 October 2014), GRETA, Council of Europe, (2015), Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631b98>



Although the Cyprus NAP 2016-2018, includes a provision for research on human trafficking, there is no publicly available research on human trafficking on sexual exploitation concerning the buyers/clients; therefore a similar research to the one conducted in Spain by Carmen Menses Falco “Supporting the victims” in 2015 should be funded and implemented in Cyprus, in order to evaluate and understand the demand side of prostitution. Through this research, pornography could also be addressed as part of the human trafficking problem.

Regarding multi-agency cooperation good practices, Cyprus could benefit from implementing a Framework Protocol similar to the Spanish one, from using a virtual platform to exchange information which is very hard to obtain from Government Agencies, according to NGO’s working in the field<sup>26</sup> as well as sharing good practices through a National Rapporteur. It is very important to have external evaluation of the Multidisciplinary Coordinating Group from an independent evaluator, who will be collecting data similarly to the Spanish National Rapporteur.

A recommendation to Spain would be to adopt a comprehensive specific national legislation to combat trafficking, in order to provide a solid legal framework for a holistic fight against trafficking.

## 6. Conclusions and recommendations

Taking everything into consideration, it is observed that although Cyprus is very well equipped on a legal ground, having the legal framework up to date and in accordance to all International and European legislations, there is opportunity to improve on the policy implementation level, concerning both multi-agency cooperation and prevention targeting demand reduction.

Spain, on the contrary seems to have done an immense progress concerning the implementation of multi-agency cooperation through the work of the National Rapporteur and the Government Delegation against Gender-Based violence in order to combat trafficking for sexual exploitation in women and girls, it lacks however the comprehensive legal basis to aid and consolidate the above actions.

The above observations demonstrate the importance of exchanging good practices between European Countries and through their implementation, to aim at the reduction of human trafficking in women and girls for the purpose of sexual exploitation on both national and European level.

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<sup>26</sup> Interview with STIGMA NGO on 11 September 2018, concerning a research on Prostitution and Human Trafficking in Cyprus.



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